

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MICHAEL WYSE, *as Plan Administrator for the Voyager
Wind-Down Debtor*,

Plaintiff,

-v-

METROPOLITAN COMMERCIAL BANK,

Defendant.

24 Civ. 9108

ORDER

PAUL A. ENGELMAYER, District Judge:

This order resolves a dispute over the continued sealing of the complaint.

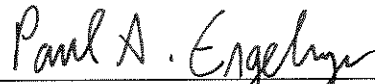
On December 23, 2024, plaintiff Michael Wyse, Plan Administrator for the Voyager Wind-Down Debtor (“Wyse”), filed a letter motion requesting that the Court set a briefing schedule to address whether the complaint should remain partially under seal. Dkt. 22. Wyse claimed that it so filed the complaint because defendant Metropolitan Commercial Bank (“MCB”) had alleged that certain information contained in the draft complaint was protected pursuant to a confidentiality agreement entered into between the parties in the pending Voyager bankruptcy proceeding, *see In Re Voyager Digital Holdings, Inc.*, No. 22 B.R. 10943 (Bankr. S.D.N.Y. Mar. 15, 2024), Dkt. 1644, but that, upon review, Wyse did not agree. Dkt. 22. The Court ordered briefing on the issue. Dkts. 23, 25.

On January 7, 2025, MCB filed a response, arguing that the complaint redacted two categories of confidential information—internal emails and draft contracts—that should be maintained under seal. Dkt. 26. MCB separately requested that Wyse, as assignee of the claims of over 30,000 assignors, provide the names of the Voyager account holders. *Id.* On January 10, 2025, Wyse replied, arguing that disclosure of the information would not cause MCB any

competitive harm, in part because the information is several years old, and MCB did not provide any specific examples of business risk. Dkt. 27.

Upon review of the sealed information, the Court sustains the redactions as to paragraphs 80–85 of the complaint, but otherwise does not find a basis for its continued sealing. The Court directs Wyse forthwith to re-file the partially sealed complaint in accordance with this order. Separately, as proposed by Wyse, *see* Dkt. 27 at 3, the Court is prepared to so-order a confidentiality agreement consistent with the requirements of the Federal Trade Commission order. *See Federal Trade Commission v. Voyager Digital, LLC*, No. 23 Civ. 8960 (S.D.N.Y. Nov. 27, 2023), Dkt. 35.

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

Dated: January 16, 2025
New York, New York